

104TH CONGRESS
1ST SESSION

H. R. 932

To amend the Food Security Act of 1985 to provide more flexibility to producers, and more effective mitigation, in connection with the conversion of cropped wetland, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 1995

Mr. JOHNSON of South Dakota (for himself, Mr. POMEROY, and Mr. MINGE) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Food Security Act of 1985 to provide more flexibility to producers, and more effective mitigation, in connection with the conversion of cropped wetland, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CONVERSION OF CROPPED WETLAND.**

4 (a) EXEMPTIONS.—Section 1222 of the Food Secu-
5 rity Act of 1985 (16 U.S.C. 3822) is amended—

6 (1) in subsection (f)(2), by inserting after
7 “1985,” the following: “through the enhancement of
8 a cropped wetland described in section

1 1231(b)(4)(F), or through the creation of a wet-
2 land,”; and

3 (2) in subsection (h)—

4 (A) in paragraph (1), by striking “may be
5 reduced under paragraph (2)” and inserting
6 “shall be waived”;

7 (B) by striking paragraph (2) and insert-
8 ing the following:

9 “(2) GRADUATED SANCTIONS.—In lieu of mak-
10 ing a person ineligible under section 1221, the Sec-
11 retary shall reduce by not less than \$750 nor more
12 than \$10,000, depending on the degree to which
13 wetland functions and values have been impaired by
14 the violation of section 1221, program benefits de-
15 scribed in section 1221 that the person would other-
16 wise be eligible to receive in a crop year if the Sec-
17 retary determines that—

18 “(A) the person—

19 “(i) is actively restoring the wetland
20 under an agreement entered into with the
21 Secretary to fully restore the characteris-
22 tics of the converted wetland to its prior
23 wetland state; or

24 “(ii) has previously restored the char-
25 acteristics of the converted wetland to its

1 prior wetland state, as determined by the
2 Secretary; and

3 “(B) the Secretary determines that—

4 “(i) the penalty for violation of section
5 1221 has been waived under paragraph (1)
6 for the person only once in the previous
7 10-year period on a farm of the person;
8 and

9 “(ii) the person converted a wetland,
10 or produced an agricultural commodity on
11 a converted wetland, in good faith and
12 without the intent to violate section
13 1221.”; and

14 (C) by adding at the end the following:

15 “(4) AFFILIATED PERSONS.—If a person is
16 subject to a reduction in benefits under section 1221
17 or this section and the affected person is affiliated
18 with other persons for the purpose of receipt of the
19 benefits, the reduction in benefits of the affiliated
20 persons under section 1221 or this section shall be
21 in proportion to the interest held by the affected
22 person.”.

23 (b) CONSERVATION RESERVE.—Section 1231(b)(4)
24 of the Act (16 U.S.C. 3831(b)(4)) is amended—

1 (1) in subparagraph (C), by striking “or” at
2 the end;

3 (2) in subparagraph (D), by striking the period
4 at the end and inserting “; or”; and

5 (3) by adding at the end the following:

6 “(F) if the cropland is a wetland on which
7 the owner or operator of a farm or ranch uses
8 normal cropping or ranching practices to
9 produce an agricultural commodity in a manner
10 that is consistent for the area where the pro-
11 duction is possible as a result of a natural con-
12 dition, such as drought, and is without action
13 by the producer that destroys a natural wetland
14 characteristic.”.

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